

Presenter

Jared Ecklund – Senior Planner

Greg Ostrowski

3312 North Alden Lake Rd, Duluth, MN 55803

North Star 53-13

VARIANCE REQUEST

- ◆ **Requesting relief from St. Louis County Zoning Ordinance 62, Article IV, Section 4.3**
- ◆ **To allow a principal structure at a reduced shoreline setback where 100 feet is required.**

PROPOSAL DETAILS

- ◆ The applicant is proposing to remove an existing 762 square foot nonconforming dwelling that is 40 feet from Alden Lake and replace it with a 1,680 square foot dwelling with an attached garage 50 feet from Alden Lake.

St. Louis County

September BOA Meeting



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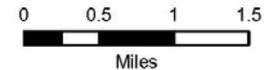
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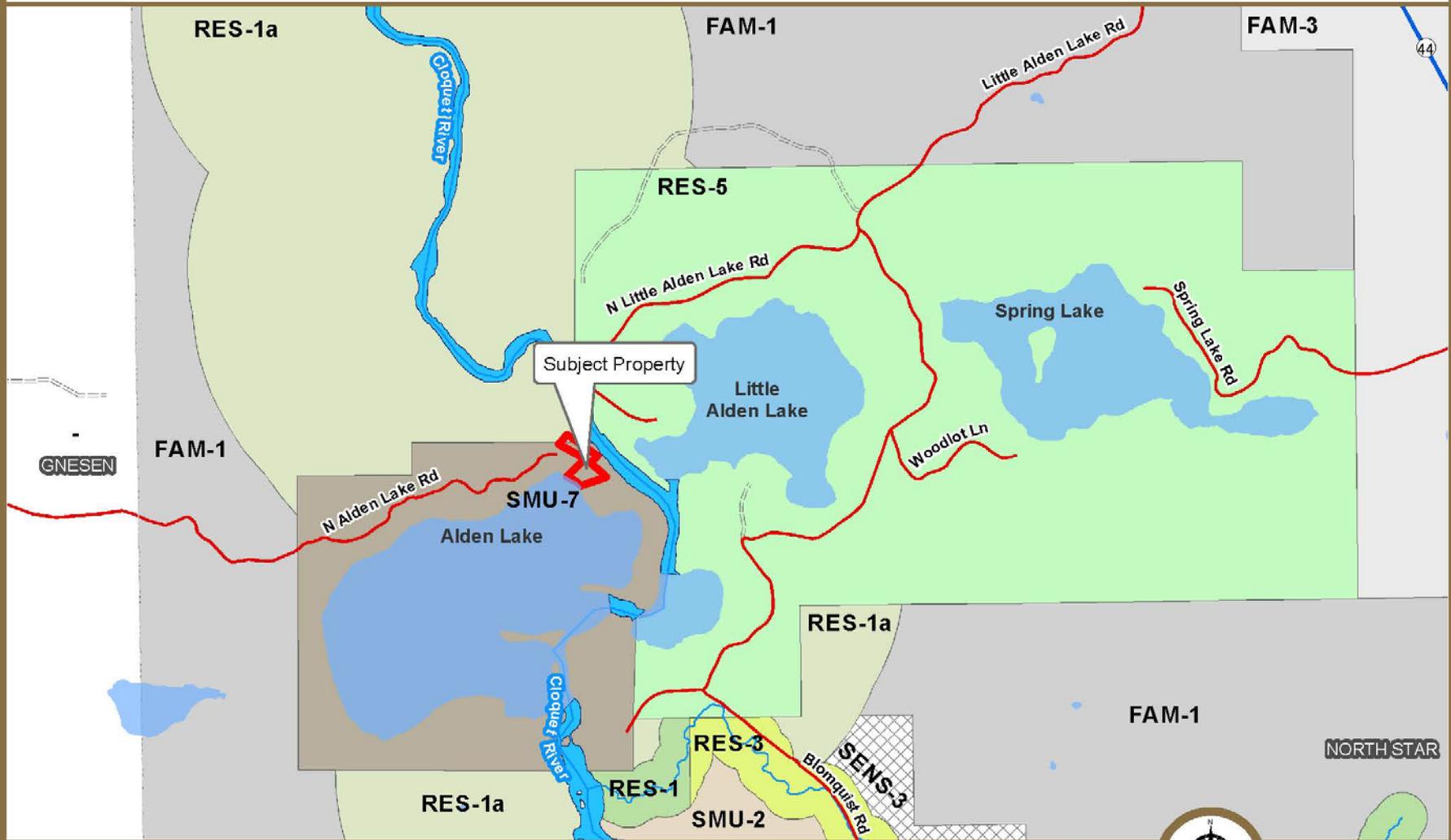
Greg Ostrowski
 Location Map
 PIN: 488-0290-00210



St. Louis County MN

St. Louis County

September BOA Meeting

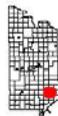


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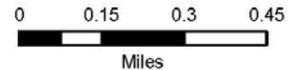
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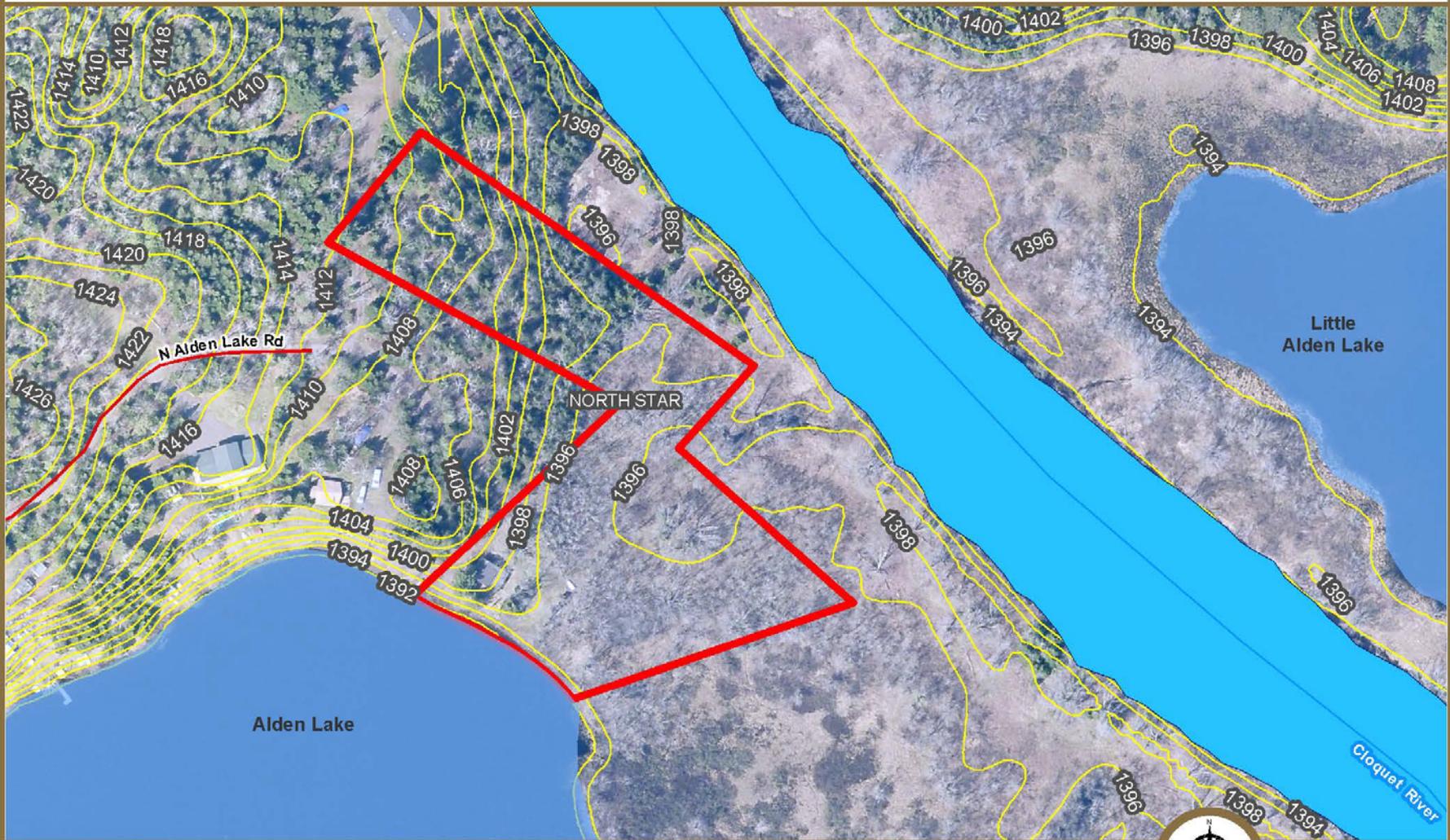
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Zoning Map
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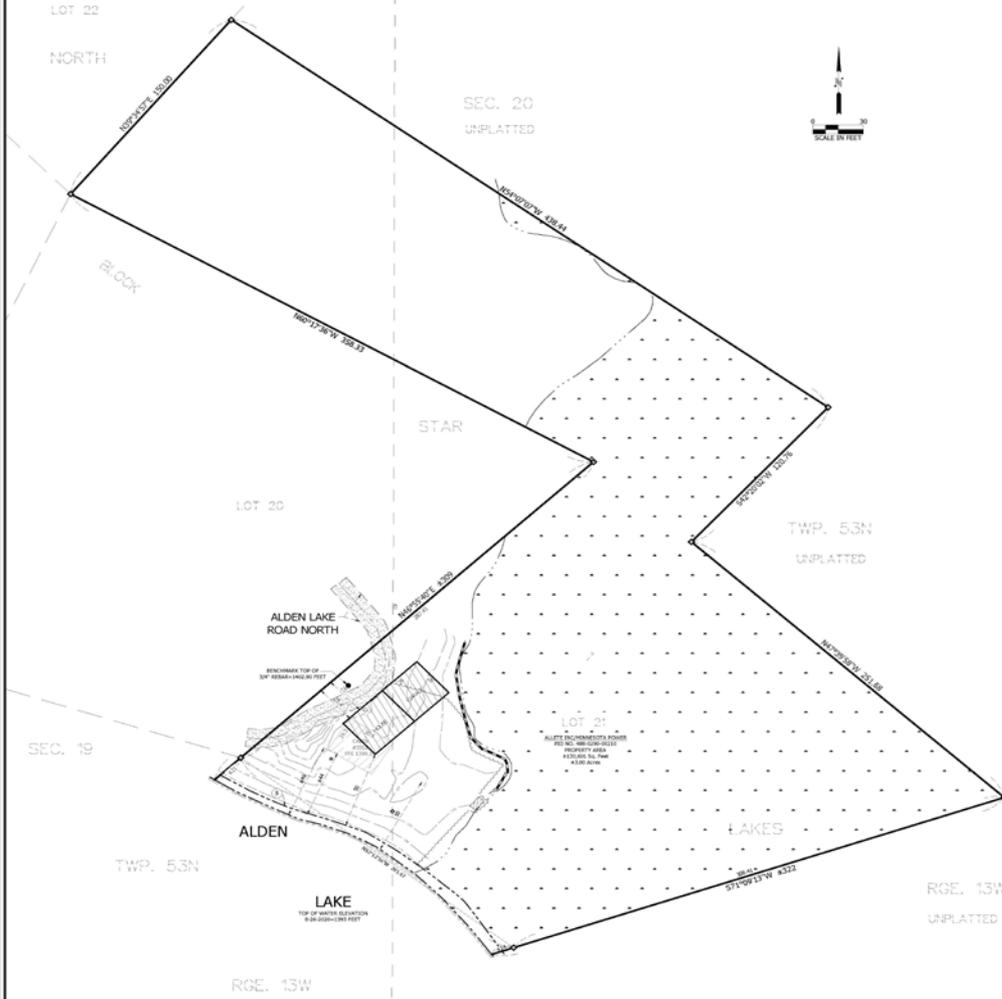


Greg Ostrowski
Site/Elevation Map
PIN:488-0290-00210



St. Louis County MN

Survey/ wetland



LEGEND

	FIN-FINISHED FLOOR ELEVATION	
	PROPOSED 6" x 6" PILING	
	SECTION DIMENSION LINE	
	SECTION LINE	
	PROPERTY LINE	
	PROPOSED LOT AS SURVEYED	
	PROPOSED ROCK RETENTION WALL	

LEGAL DESCRIPTION AS SURVEYED
 Lot 21, Block L, NORTH STAR LAKES, according to the recorded plat thereof, St. Louis County, Minnesota

SURVEYOR'S NOTES

- THIS SURVEY HAS BEEN PERFORMED WITHOUT KNOWLEDGE OF ANY EXISTING OR PENDING LITIGATION, AND THE SURVEYOR HAS REVIEWED THE AVAILABLE RECORDS AND HAS FOUND NO RECORDS THAT WOULD AFFECT THE SURVEY OR THE LEGAL DESCRIPTION THEREOF.
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CERTIFICATE OF SURVEY

DATE OF SURVEY: 10/15/2024
 SURVEYOR: [Signature]
 LICENSE NO.: [Number]

ALDEN LAKE
ROAD NORTH

BENCHMARK TOP OF
3/4" REBAR=1402.90 FEET

$N46^{\circ}55'40''E \pm 309$
287.43

Wetland Area

LOT 21

ALLETE INC/MINNESOTA POWER
PID NO. 488-0290-00210
PROPERTY AREA
 $\pm 130,601$ Sq. Feet
 ± 3.00 Acres

CABIN
#3312
FFE 1399.11

HOUSE

28

32

28

28

28

28

28

28

28

28

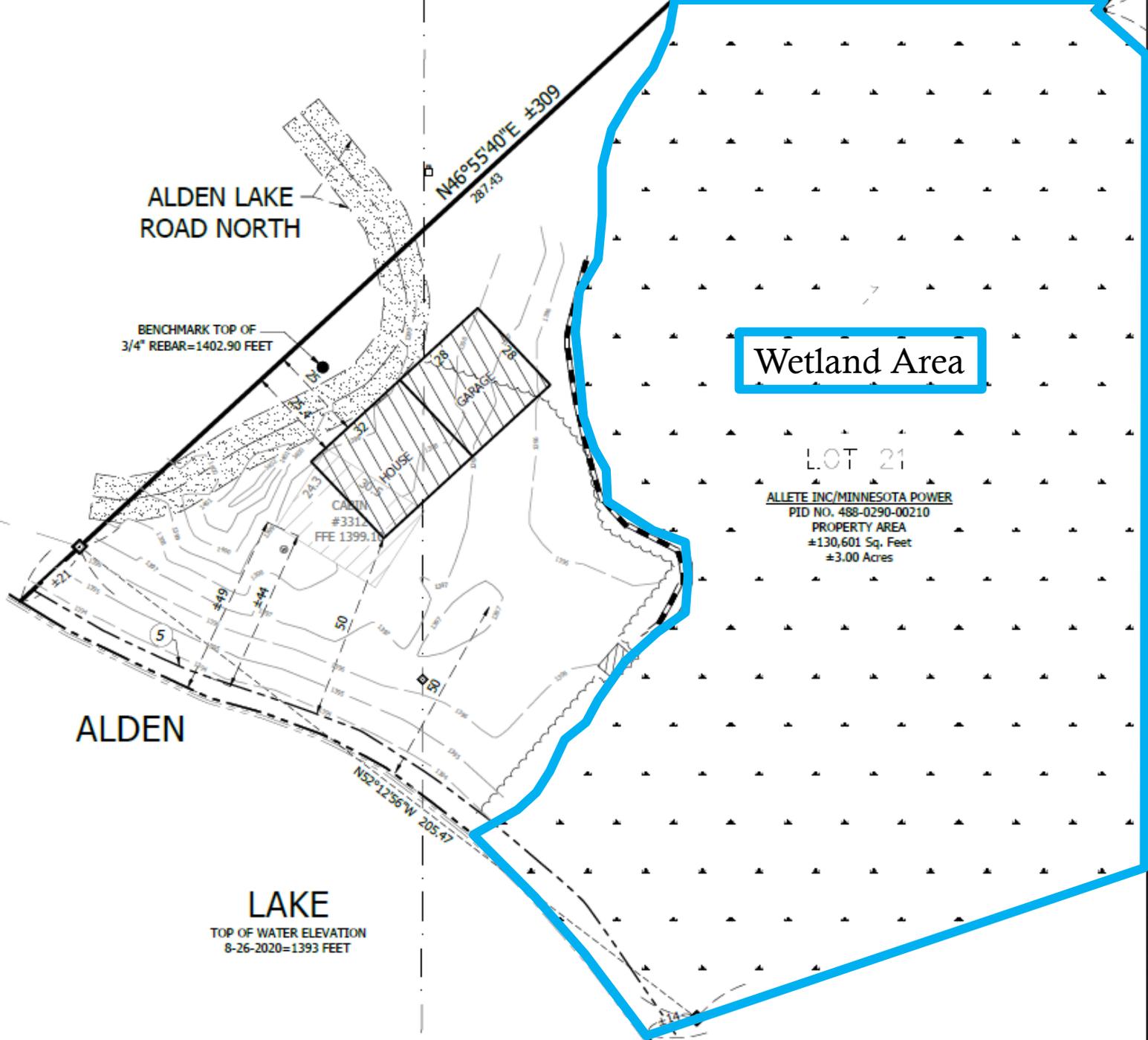
28

ALDEN

LAKE
TOP OF WATER ELEVATION
8-26-2020=1393 FEET

$N52^{\circ}12'56''W 205.47$

W/P. 53N



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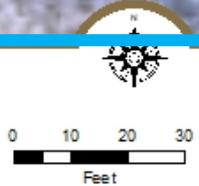
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Site Map



St. Louis County MN

St. Louis County



Approximate
Setback

Wetland Area

Proposed
Dwelling

Existing
Dwelling

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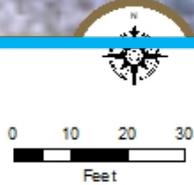
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Site Map



St. Louis County MN

North side of existing dwelling



Southeast side of existing dwelling



Southwest side of existing dwelling



Shoreline vegetation



Current shoreline setback

Approximately 40 feet to shoreline



STAFF FACTS & FINDINGS

OFFICIAL CONTROLS

- ◆ Alden Lake is classified as a Recreation Development Lake.
- ◆ St. Louis County Zoning Ordinance 62, Article III, Section 3.4 requires a minimum 100 foot shoreline setback for Recreation Development Lakes and the Shore Impact Zone is 50 feet.
- ◆ The applicant is proposing a replacement dwelling 50 feet from the shoreline.
- ◆ The Cloquet River is classified as a Primitive River.
 - ◆ St. Louis County Zoning Ordinance 62, Article III, Section 3.4 requires a minimum of 300 feet shoreline setback for Primitive Rivers.
- ◆ The property falls within the Forest and Agriculture future land use category in the St. Louis County Comprehensive Land Use Plan.

OFFICIAL CONTROLS CONT.

- ❖ Goal LU-3 of the St. Louis County Comprehensive Land Use Plan is to improve the integrity of the county's planning-related regulation by minimizing and improving management of nonconformities.
- ❖ Objective LU-3.1 of the St. Louis County Comprehensive Land Use Plan is to base variance decisions on uniform approval criterion to ensure all applications are treated equitably, that community health and safety is protected, and that the overall character of a given area is preserved.
- ❖ Objective LU-3.3 is to acknowledge why nonconformities are a concern and that variances should be for exceptional circumstances as noted in Minnesota Statute 394.22 Subd. 10.

PRACTICAL DIFFICULTY

- ◇ Buildable area on the parcel is limited due to wetlands and minimum setback requirements.
 - ◇ Approximately 56 percent of the parcel is wetland.
 - ◇ Alden Lake requires a 100 foot shoreline setback.
 - ◇ The Cloquet River requires a 300 foot setback.
 - ◇ The SMU-7 zone district requires a 20 foot property line setback for principal structures.

PRACTICAL DIFFICULTY CONT.

- ◇ The parcel does contain a small area suitable for a structure, this is area that meets setbacks and is not wetland.
 - ◇ Alternative: Construct a dwelling within the suitable area that meets Wetland Conservation Act requirements and meets FEMA standards.
 - ◇ A dwelling that is elevated on piers, meets setbacks, and impacts no more than 400 square feet of wetland, could potentially be allowed with a land use permit.

PRACTICAL DIFFICULTY CONT.

- ◇ Other alternatives that increase the shoreline setback, but still require variance are:
 - ◇ Construct a dwelling in the area that is suitable for development and construct an accessory structure in the rear portion of the property closer to the Cloquet River.
 - ◇ This would require a variance for the structure to be located at a reduced river setback where 300 feet is required.

PRACTICAL DIFFICULTY CONT.

- ◇ Other alternatives that increase the shoreline setback, but still require variance are:
 - ◇ Construct a dwelling/garage combination with living space above the garage in the suitable area that meets Wetland Conservation Act requirements and meets FEMA standards.
 - ◇ The structure may not be able to meet the required shoreline setback because of FEMA floodplain and the Wetland Conservation Act requirements.
 - ◇ The setback could be maximized to the greatest extent possible.

PRACTICAL DIFFICULTY CONT.

- ◇ All development would be required to meet FEMA floodplain and Wetland Conservation Act requirements.
 - ◇ The applicant is proposing the dwelling on a slab. However, if it is determined that construction on piers is the only way to meet FEMA standards and Wetland Conservation Act requirements, the height of the proposed dwelling will be greater than currently proposed.
- ◇ The applicant did work with staff to change their original proposal from a replacement dwelling in the same location to moving the structure outside of the shore impact zone. A survey and wetland delineation was also obtained by the applicant.

ESSENTIAL CHARACTER OF THE LOCALITY

- ◆ The applicant is not proposing a new use to the area as there are other residential properties in area.
- ◆ The North Star Lakes Tracts was platted in 2018.
 - ◆ These lots were once MN Power lease lots. This lot was platted with limited buildable area.
- ◆ There have been no similar variances in the North Star Lakes Tracts Plat.

OTHER FACTORS

- ◇ A maximum of 400 square feet of wetland impact may be allowed through an exemption in the Wetland Conservation Act.
- ◇ Any structure on this parcel will need to meet FEMA standards for floodplain.
 - ◇ In order to meet FEMA standards, structures may need to be elevated on fill. The fill needs to extend a minimum of 15 feet from the outer dimensions of the structure. This could result in additional wetland impacts, if the structure is located near the wetlands.
 - ◇ Any development that resulted in wetland impacts in excess of 400 square feet would likely not meet the approval criteria under the Wetland Conservation Act.
 - ◇ If the dwelling were built on piers with the first floor meeting the required floodplain elevation, it would eliminate the need for some fill. This may allow the proposal to meet floodplain and wetland requirements.

OTHER FACTORS

- ◇ The development potential of the property is very limited due to the amount of wetlands and the floodplain on the property.
 - ◇ There is currently a dwelling on the property. The property could be considered suitable for development for only one small structure, and not to the extent that is being proposed.
 - ◇ The property currently does not have a garage. A proposal without a garage would open up options for a dwelling to be close to, if not conforming.

BOARD OF ADJUSTMENT CRITERIA FOR APPROVAL OF A VARIANCE

1. Is the variance request in harmony with the general purpose and intent of official controls?
2. Has a practical difficulty been demonstrated in complying with the official controls?
3. Will the variance alter the essential character of the locality?
4. What, if any, other factors should be taken into consideration on this case?

RECOMMENDED CONDITIONS, IF APPROVED

In the event that the Board of Adjustment determines that the proposal meets the criteria for granting a variance to allow a dwelling to be replaced at a reduced shoreline setback where 100 feet is required, the following condition(s) shall apply:

1. The structure shall be unobtrusive (earth-tone) colors, including siding, trim, and roof.
2. The stormwater runoff from the proposed structure shall not discharge directly into the lake or onto adjacent parcels
3. The structure shall meet St. Louis County Floodplain Ordinance 43 and FEMA floodplain standards.
4. The total wetland impacts on the property shall not exceed the de minimis exemption allowed per MN Rule Chapter 8420.0420 Subp. 8.
5. The shoreline setback shall be maximized to the greatest extent possible, and shall be no closer than 50 feet from the shoreline.
6. All SSTS sewage treatment standards shall be met.

Correspondence

BOARD OF ADJUSTMENT

Questions?

PUBLIC

Questions?